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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,672	05/25/2000	Cynthia A. Donovan	1112	7186
30748 7590 08/04/2008 INNOVATION PARTNERS 540 UNIVERSITY DRIVE SUITE 300 PALO ALTO, CA 94301				
EXAMINER				
MIRZA, ADNAN M				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
08/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/578,672

**Applicant(s)**

DONOVAN ET AL.

**Examiner**

ADNAN M. MIRZA

**Art Unit**

2145

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

In view of the Appeal Brief filed on 02/26/2006, PROSECUTION IS HEREBY REOPENED.

New action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (U.S. 6,330,605) and Guenther (U.S. 6,230,196).

As per claims 1,14 Christensen disclosed a method of processing a first request for web page, comprising: receiving the first request for the web page (col. 4, lines 60-67);

However Christensen did not go in details of transmitting, to a device from which the first request was received, at least one command to send a second request for the web page, and a first timestamp.

In the same field of endeavor Guenther disclosed, "Dynamic HTML generator is preferably implemented in software running on a computer comprising the Web server platform. As noted above, the generator functions generally to insert network path information into at least one link of a HTML page then being generated in response to HTTP request. Generator may also insert other information, such as time stamp or control data that may be parsed by the browser (Col. 4, 66 - col. 5, line 20).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated dynamic HTML generator is preferably implemented in software running on a computer comprising the Web server platform. As noted above, the generator functions generally to insert network path information into at least one link of a HTML page then being generated in response to HTTP request. Generator may also insert other information, such as time stamp or control data that may be parsed by the browser as taught by Guenther in the

method of Christensen to increase the availability of the services offered by the service provider and also alleviating time consuming activities.

3. As per claims 2,15 Christensen- Guenthner disclosed wherein the transmitting step is responsive to an existence of a second timestamp received with the request (Guenthner, col. 5, lines 5-16).
4. As per claim 3,16,28 Christensen- Guenthner disclosed comprising the additional steps of: identifying a third timestamp; and responsive to the second timestamp received with the request, processing the request for the web page responsive to the second timestamp and the third timestamp (Guenthner, col. 5, lines 5-16).
5. As per claims 4,17 Christensen- Guenthner disclosed wherein the identifying the third timestamp step is responsive to a capacity of at least one selected from at least one server and a device coupled to the at least one server (Guenthner, col. 5, lines 5-16).
6. As per claims 5,18 Christensen- Guenthner disclosed incrementing at least one of a plurality of counters responsive to the first request (Guenthner, col. 6, lines 19-34).
7. As per claims 6,19 Christensen- Guenthner wherein each of the plurality of counters corresponds to a range of time different from the other plurality of counters (Guenthner, col. 5, lines 5-16).

8. As per claims 7,20 Christensen- Guenthner disclosed wherein the identifying the third timestamp step is additionally responsive to at least one of the plurality of counters (Guenthner, col. 5, lines 49-57).
9. As per claims 8,21 Christensen- Guenthner disclosed comprising the additional steps of receiving a notification of abandonment of at least one selected from the first request and the second request; and decrementing at least one of the plurality of counters (Guenthner, col. 5, lines 46-57).
10. As per claims 9,10,22,23 Christensen- Guenthner disclosed wherein the identifying the third timestamp step comprises sending a command to at least one selected from at least one server and a device coupled to the at least one server (Guenthner, col. 5, lines 22-34).
11. As per claims 11,24 Christensen- Guenthner disclosed wherein the transmitting step is responsive to a type of the first request (Guenthner, col. 5, lines 22-34).
12. As per claims 12,25,30 Christensen- Guenthner additionally comprising transmitting computer readable program code devices configured to cause a computer to send the second request responsive to the indicator transmitted (Guenthner, col. 5, lines 22-34).

13. As per claims 13,26,31 Christensen- Guenthner disclosed wherein the computer readable program code devices configured to cause the computer to send the second request responsive to the indicator transmitted comprise at least one selected from a Java script and a Java applet (Christensen, col. 4, lines 27-39).

14. As per claim 27 Christensen- Guenthner disclosed a user request router having an input coupled to an apparatus input operatively coupled for receiving the first request (Christensen, col. 4, lines 60-67), the user request router for providing at an output a signal responsive to the first request received at the user request router input (Guenthner, col. 7, lines 6-12); and a cookie/applet generator having an input coupled to the user request router output for receiving the signal, the cookie/applet generator for providing a first output coupled to an apparatus output a first indicator of at least one time to send a second request for the web page (Christensen, col. 4, lines 43-56).

15. As per claim 29 Christensen- Guenthner disclosed wherein the cookie/applet generator provides at a second output a third indicator of time corresponding to the first indicator of time, the apparatus additionally comprising: a stroke count storage for having an input coupled to the cookie/applet generator third output for receiving the third indicator of time (Christensen, col. 6, lines 3-14), the stroke count storage for storing the third indicator of time and a set of fourth indicators of time and for providing the third indicator of time and the set of fourth indicators of time at an input/output; and a cutoff timestamp calculator having an input operatively coupled for receiving an indicator of capacity (Christensen, col. 4, lines 1-14), the cutoff timestamp

calculator for selecting and providing at an output a timestamp from the set of fourth indicators of time responsive to the capacity; and wherein the user request router additionally comprises a cutoff timestamp input coupled to the cutoff timestamp calculator output and the user request router provides the signal additionally responsive to the timestamp received at the cutoff timestamp input (Christensen, col. 9, lines 39-67).

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

17. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-



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746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/Adnan M Mirza/  
Examiner, Art Unit 2145

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145